

HOUSE BILL 1049

By Rowland

AN ACT to amend Tennessee Code Annotated, Title 50;
Title 53, Chapter 8; Title 62, Chapter 37; Title 62,
Chapter 6 and Title 68, relative to safety in the
pursuit of certain occupations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-8-111, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) No employer shall require, permit or suffer any person to work, nor shall any person work in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with a communicable disease that may be transmissible through food.

(b)

(1) Prior to beginning any employment identified in subsection (a), the potential employee shall procure a health certificate showing that the person is free from disease or diseases transmissible through food. It is the responsibility of the employee to seek out, obtain, and pay the appropriate fees necessary to obtain the health certificate.

(2) By no later than January 1, 2008, the department of health shall promulgate rules specifying those communicable diseases that may be transmissible through food and that shall be the minimum subject of a physician's examination prior to signing a certificate. Nothing in this subsection shall prevent a physician from examining or testing the person for any additional communicable diseases not specified by the department that may be transmissible through food.

(3) After conducting such examinations and laboratory tests as the physician deems necessary, a physician licensed to practice in this state pursuant to title 63, chapter 6 or 9, shall sign a health certificate clearing the person for the forms of employment identified in subsection (a), provided that the health certificate shall be valid for a period of no more than one (1) year from the date that the physician physically examined the person.

(c) By no later than January 1, 2008, the department of health shall publish a form health certificate to be used in complying with this section.

(d) The county health departments shall enforce the provisions of this section at the direction of the commissioner of health.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 1, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

No employer shall require, permit or suffer any person to work, nor shall any person work in a building, room, basement, cellar or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution and transportation of food who is affected with a communicable disease that may be transmissible through food. An employer shall require any employee affected by this provision to produce, on an annual basis, a health certificate that meets the requirements of §53-8-111.

SECTION 3. Tennessee Code Annotated, Section 62-6-111(a)(1), is amended by inserting the following sentence at the end of that subdivision: "Any application for initial licensure or for renewal of licensure also shall be accompanied by an affidavit affirming that the applicant maintains general liability insurance and worker's compensation insurance and specifying the amount of such insurance as well as any other information the board may require."

SECTION 4. Tennessee Code Annotated, Section 62-37-108(b)(5), is amended by deleting the current language in its entirety and by substituting instead the following:

(5) Evidence of workers' compensation coverage pursuant to title 50, chapter 6, and evidence of general liability insurance, including the amount of such coverage, or submission to the home improvement commission of a copy of the applicant's insurance policies or certificates of insurance issued by the carrier or self-insurer to the applicant indicating the date and duration of such coverage. Evidence of insurance coverage pursuant to this subdivision also shall be required to be submitted for renewal of licensure;

SECTION 5. The commissioners of health and of labor and workforce development are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. Section 1 of this act shall take effect January 1, 2008, the public welfare requiring. The remaining provisions of this act shall take effect July 1, 2007, the public welfare requiring it.